IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 85 OF 2007
WITH
CIVIL **APPLICATION NO. 145 OF 2007**

Shri Shantaram Dayaram Sapkale .. Applicant/ Petitioner.

V/s.

Sau. Shobha Shantaram Sapkale & Anr. .. Respondents.

Mrs.Vidya S. Gole for the Applicant/Petitioner.

Ms. Karuna Chavan for the Respondent No.1.

CORAM : S. A. BOBDE, J.

DATED : 03RD OCTOBER, 2007.

P.C. :-

. This is an application by the petitioner husband, seeking a transfer of the proceedings for restitution and maintenance filed by the respondent wife in the family court at Bandra.

2. According to the petitioner, it would be appropriate to transfer the proceedings from the family court at Bandra to the court at Kalyan, where the petitioner as also the respondent wife reside. The learned counsel for the respondent wife denied that the wife resides at Kalyan but submitted that the wife is residing at Vikroli alongwith her sister. She relies on

an affidavit to that effect filed by the sister of the respondent wife. It is, however, not possible to accept the statement of the respondent that she resides at Vikroli. Admittedly, the present proceedings were served on the respondent at the Kalyan address. Even according to the respondent her children reside at Kalyan. Her case is that only she does not reside. It is difficult to accept this version. In any case, this reasonably would not prejudice in any way, if the respondent wife participates in the proceedings at Kalyan where her children reside alongwith her husband.

3. Having regard to the circumstances, Misc. Civil application is allowed in terms of prayer clause (a).

4. The proceedings at Kalyan court are hereby expedited after transfer. The learned civil judge, senior division, Kalyan is directed to decide the proceedings within a period of one year from the next date.

5. Order accordingly.

6. In view of this order, the civil application No. 145 of 2007 becomes infructuous. Disposed of accordingly.

(S.A.BOBDE,J.)